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## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office

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October 28, 2013

Richard W. Hancock, P.E.  
North Carolina Department of Transportation  
Project Development and Environmental Analysis  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

Dear Mr. Hancock:

This letter is in response to your letter of October 22, 2013 regarding RCW credits in the Calaway Tract conservation bank. The Calaway Tract is a property in Hoke County, North Carolina purchased by the North Carolina Department of Transportation (NCDOT) and subsequently transferred to The Nature Conservancy (TNC) that, among other things, provides red-cockaded woodpecker (*Picoides borealis*) (RCW) credits that NCDOT can debit when transportation projects adversely affect RCWs. These comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

As per the Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service (Service), NCDOT and The Nature Conservancy signed in 2002, the 5 RCW groups (HOKE 7, 8, 9, 10, 11) existing in 2001 constitute 5 Project Credits. The MOU allows NCDOT to temporarily debit a Project Credit (up to a total of 5 Project Credits) to offset each incidental take of an RCW group from the North Carolina Sandhills East Primary Core Recovery Population as a result of an NCDOT project. The MOU also requires that a demographically equivalent RCW group be established (i.e. Compensation Credit) for each Project Credit debited. New Compensation Credits will replenish Project Credits up to a total of 5.

During the Section 7 consultation for the Fayetteville Outer Loop (TIP No. U-2519), it was determined that an incidental take of 1 RCW group (FB 65) would occur. As per the Biological Opinion dated April 28, 2005, 1 Project Credit would be debited from the original 5 Project Credits, thus leaving 4 Project Credits. However, since that time, 2 additional RCW groups have been established (HOKE 16 and 17), thus creating 2 Compensation Credits. One of these Compensation Credits replenishes the previously debited Project Credit. **Therefore, to date, NCDOT has a total of 5 Project Credits and 1 Compensation Credit available for future debiting to compensate for incidental take within the North Carolina Sandhills East Primary Core Recovery Population.** These credits will be available even if one or more groups are lost or habitat destroyed by a natural disaster beyond the control of NCDOT or TNC. However, the MOU does require that all reasonable measures be taken to restore any RCW groups lost in such a manner.



If you have any questions regarding our response, please contact Mr. Gary Jordan at (919) 856-4520 (Ext. 32).

Sincerely,

Pete Benjamin  
Field Supervisor

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